

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

700-0062

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", Union Pacific Railroad Company, hereinafter referred to as the "Company", the County of Will, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as River Road located near Wilmington, Will County, Illinois, designated as crossing DOT 290 497P, milepost 51.40AO; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of each party to this agreement; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry in lieu of the existing automatic flashing light

DOCKETED

signals.

- b) the extension of the paved shoulder area up to the crossing with bituminous material, including the removal and reinstallation of the guard rails.

Section 3 The Company and County have prepared preliminary estimates of cost to accomplish the proposed improvements which they may be required to perform, said estimates are attached as Exhibits B and C, and shall upon Order according to the requirements contained therein prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company and County shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agree that an appropriate time for the submission of plans should be one hundred twenty (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement. The time schedule for the submission of progress reports for both the County and Company is contained in Section 7 herein.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for the warning device installation, estimated to be \$234,181, should be allocated 95% in an amount not to exceed \$222,472 to the Grade Crossing Protection Fund, with all remaining installation cost and all future maintenance and operation costs of the warning devices being borne by the Company.
- b) the cost for the shoulder and guard rail improvements, estimated to be \$16,485, plus all cost of future maintenance of the highway approaches to the crossing, including the usable shoulder area, should be allocated 100% to the County.

Section 6 The County is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions. All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Main Office of the Illinois Department of Transportation, Bureau of Local Roads and Streets, at 2300 South Dirksen Parkway, Springfield, IL 62764. A copy should also be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Commission no later than twenty four (24) months from the date

Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company and County shall file a written report within ninety (90) days from the date of Commission Order subsequent to this agreement, with the Director of Processing and Information, of the Commission's Transportation Division, listing the name, title, mailing address, phone number and facsimile number of the Company's and County's employee responsible for management of this project.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures and percentage of completion of the warning device installation; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

The County shall file a written report with the Director of Processing and Information, of the Commission's Transportation Division, within fifteen (15) days of the conclusion of each calendar quarter, stating the percentage of completion of the shoulder work; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

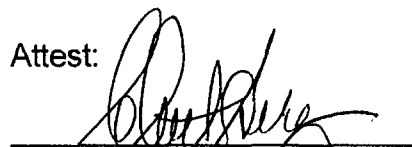
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 9th day of February, 2000.



Michael E. Stead
Railroad Safety Program
Administrator

Attest:


Robert S. Berry
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 859 concerning improvements at the River Road crossing with the track of the Union Pacific Central Railroad Company near Wilmington, Will County, Illinois, designated as crossing AAR/DOT 290 497P, milepost 51.40AO.

Executed by the County of Will this 16th day of March, 2000.

THE COUNTY OF WILL

By: Charles L. Wilson
Will County Executive

Attest:

Jan Gould
Will County Clerk

Illinois Commerce Commission Stipulated Agreement No. 859 concerning improvements at the River Road crossing with the track of the Union Pacific Central Railroad Company near Wilmington, Will County, Illinois, designated as crossing AAR/DOT 290 497P, milepost 51.40AO.

Executed by the Department this 25TH day of APRIL, 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Slifer
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 859 concerning improvements at the River Road crossing with the track of the Union Pacific Central Railroad Company near Wilmington, Will County, Illinois, designated as crossing AAR/DOT 290 497P, milepost 51.40AO.

Executed by the Company this 8 day of June, 2000.

UNION PACIFIC RAILROAD
COMPANY

By: Thomas J. Ogee
CHIEF ENGINEER

Attest:

Kathy Klockner

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line Union Pacific Milepost 51.40 AO Inventory # 290 497P

City Near Wilmington Street River Road County Will

Jurisdiction County Urban Rural X Commercial Residential X

Street Surface Bituminous Width 24' surface Condition Fair

Angle 90° Tracks Tangent Degree of Curve Superelevation

Depth of Cut Height of Fill

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Concrete</u>	<u>40'</u>	<u>Fair</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Intersecting Roads 100' No 200' No

Traffic Control Devices Present No

ADT 4,000 Speed 55 mph Statewide Yes

Schoolbuses Hazardous Materials Other

Rail Traffic: Ft. 6 @ 60 mph Pass. 6 @ 79 mph Switch No

Simultaneous Movements No Daylight and Dark Yes

Present Protection Automatic flashing light signals

Advance Warning Signs Yes Pavement Marking Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE				
NW				
SE				
SW				

Approach Grades

East	*	'	%		'	%		'	%
West	*	'	%		'	%		'	%

*meets the requirements of 92 Ill. Adm. Code 1535.204.

Comments: This crossing meets the minimum Stipulated Agreement criteria for the installation of automatic flashing light signals and gates.

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK
BY THE
UNION PACIFIC RAILROAD

DESCRIPTION OF WORK:

INSTALL AUTOMATIC FLASHING LIGHT CROSSING SIGNALS WITH GATES AT
CH-44., M.P. 51.40 AND REMOTE GCP CABIN AT M.P. 51.80., WILMINGTON, IL.
ON THE JOILET SUBDIVISION

SIGNAL PROJECT MANAGER: R.A. THOMPSON 8245-2587

WORK TO BE PERFORMED BY RAILROAD WITH EXPENSE AS BELOW:

SIGNAL - STATE OF ILLINOIS - 90%
SIGNAL - UPRR - 10%

PID: 31715 AWO: 31331 MP, SUBDIV: 51.40, JOLIET
SERVICE UNIT: 04 CITY: CH-44 STATE: IL

DESCRIPTION	QTY	UNIT	LABOR	MATERIAL	RECOLL	UPRR	TOTAL
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ENGINEERING WORK							
ENGINEERING			4336		3902	434	4336
LABOR ADDITIVE			6976		6280	696	6976
SIG-HWY XNG			1478		1330	148	1478
			-----	-----	-----	-----	-----
TOTAL ENGINEERING			12790		11512	1278	12790
SIGNAL WORK							
BILL PREP			1000		900	100	1000
CONTINGENCY				18385	16546	1839	18385
EARTH/ROCK/GRAVEL				2500	2250	250	2500
EQUIPMENT RENTAL				2000	1800	200	2000
FOREIGN LINE FREIGHT				1915	1724	191	1915
LABOR ADDITIVE			36516		32865	3651	36516
MATL STORE EXPENSE				4789	4311	478	4789
PERSONAL EXPENSES				16150	14536	1614	16150
SALES TAX				5986	5387	599	5986
SIGNAL			29430	95780	112688	12522	125210
TRANSPORTATION CHARGES				2574	2316	258	2574
USAGE EQUIPMENT				2286	2057	229	2286
			-----	-----	-----	-----	-----
TOTAL SIGNAL			66946	152365	197380	21931	219311
TRACK & SURFACE WORK							
LABOR ADDITIVE			1080		1080		1080
SIG-HWY XNG			1000		900	100	1000
			-----	-----	-----	-----	-----
TOTAL TRACK & SURFACE			2080		1980	100	2080
			-----	-----	-----	-----	-----
LABOR/MATERIAL EXPENSE			81816	152365	-----	-----	-----
RECOLLECTIBLE/UPRR EXPENSE					210872	23309	-----
ESTIMATED PROJECT COST							234181
EXISTING REUSEABLE MATERIAL CREDIT					0		
SALVAGE NONUSEABLE MATERIAL CREDIT					495		
					-----	-----	-----
RECOLLECTIBLE LESS CREDITS					210377		

THE ABOVE FIGURES ARE ESTIMATES ONLY AND SUBJECT TO FLUCTUATION. IN THE EVENT OF AN INCREASE OR DECREASE IN THE COST OR QUANTITY OF MATERIAL OR LABOR REQUIRED, UPRR WILL BILL FOR ACTUAL CONSTRUCTION COSTS AT THE CURRENT EFFECTIVE RATE.

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WORK ORDER AUTHORIZATION-DETAIL OF ESTIMATED EXPENDITURES

EST START: 01-01-00
EST COMP: 12-31-00

PROJ NO: 31715
A.W.O. NO: 31331
W.O. NO:
B.I. NO: 99EN10
STATE: IL
VAL SEC: 1101Z

RAILROAD: UPRR CO.
LOCATION: WILMINGTON, IL CH-44, JOLIET SUB.
DEPARTMENT: ENGINEERING SERVICES

STOCK MATERIAL PLAN

ITEM NUMBER	ITEM DESCRIPTION	UNIT COST	QTY	UM	DIRECT MATL \$
02040420	BATTERY,GNB,75A9 OR 50A13	183.93	12	EA	2207
02040660	BATTERY,GNB, 75A23 OR 50A27	324.33	7	EA	2270
07810000	ASSEMBLY,JACK-4-WIRE SUTTLE	1.15	1	EA	1
07880400	WIRE, STATION	0.03	20	LF	1
09011030	CABLE TIE, NYLON 5/8" MAX. DIA.	0.04	100	EA	4
09011240	CABLE TIE, NYLON 1 1/8" MAX. DIA	0.06	300	EA	18
09011980	CABLE TIE, NYLON 3 1/2" MAX. DIA	0.22	20	EA	4
09040700	HEAT SHRINKABLE TUBING, .75" DIA.	1.03	28	EA	29
09041120	HEAT SHRINKABLE TUBING, 1.1" DIA.	1.60	14	EA	22
09042860	POWER OFF LIGHT ASSY.	29.21	1	EA	29
09054360	RELAY, GEN.PURPOSE 120V. TAB 856	12.96	2	EA	26
09057650	SOCKET,P-B 27E122 TAB 836A & 856	2.82	2	EA	6
09065700	TAPE, ELECTRICAL PLASTIC	2.27	4	RL	9
09066900	TERMINAL,SPADE,10-12 WIRE,#8 STUD	0.33	14	EA	5
09135650	2363 J,SLEEVE,4-6,REDUCING	0.85	28	EA	24
09136370	2367 J SLEEVE,SPLICING,4-4	0.84	28	EA	24
09137100	TERM.LUG 3/16 CABLE-1/4 POST 2412	0.83	90	EA	75
09215100	33466 TERMINAL, RING TONGUE AMP	0.23	44	EA	10
09261570	321527-1 TERMINAL, TEST	1.11	10	EA	11
09401140	ADAPTER, 4 INCH CARLON PLASTIC	2.26	4	EA	9
09409820	BUSHING, 4" PLASTIC,INSULATING	0.76	4	EA	3
09424920	CONDUIT, 4", PVC, TYPE 40	1.07	100	LF	107
09433590	CONNECTOR, 3/8 INCH STRAIGHT BO	0.09	6	EA	1
09442650	CONNECTOR, 3/4 INCH STRAIGHT BO	1.23	1	EA	1
09446050	CONNECTOR, 1 1/4 INCH STRAIGHT BO	13.64	1	EA	14
09466420	LOCKNUT, 1 1/4 INCH CONDUIT	0.14	2	EA	0
09467930	LOCKNUT, 4 INCH, GALVANIZED	4.08	4	EA	16
09615550	LAMP,INCANDESCENT,10V.25W.	5.18	8	EA	41
09844170	GROUND ROD, 5/8 INCH X 8 FEET	5.19	20	EA	104
09846750	GRND.ROD CONN. 4WAY ONESHOT.	5.14	20	EA	103
09908640	WIRE,#6 AWG.1 COND.COPPER,SOLID	0.11	500	LF	55
09912120	WIRE,#6 AWG. 2 COND.(500' ROLL)	0.78	1000	LF	780
09913120	WIRE,#6 AWG.5 COND. (500' ROLL)	1.43	250	LF	358
09915610	WIRE #6 AWG 1 COND COPPER, STRAN	0.37	200	LF	74
09930550	WIRE #10 AWG 1 COND COPPER, STRAN	0.14	1500	LF	210
09932310	WIRE #10 AWG 1 COND COPPER, TWIST	0.32	370	LF	118
09946040	WIRE #14 AWG 7 COND CC, 1000'SPOO	0.67	3000	LF	2010

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LOCATION: WILMINGTON, IL CH-44, JOLIET SUB.

DEPARTMENT: ENGINEERING SERVICES

09946050 WIRE #14 AWG 7 COND CC,(500' ROLL	0.67	250 LF	168
09960090 WIRE #16 AWG 1 COND COPPER, STRAN	0.07	500 LF	35
13060230 TOGGLE, SPRING WING 3/8	0.52	4 EA	2
13552450 SHEET METAL SCREW, #12 X 3/4"	2.06	3 BX	6
13553150 SHEET METAL SCREW #12 X 1"	2.96	2 BX	6
17061400 PADLOCK, SIGNAL, WITHOUT KEY, AMERIC	12.00	14 EA	168
19009970 HOSE, 1 1/2 INCH, SIGNAL BOOTLEG	1.16	240 LF	278
28033210 CARTON, 39 1/8"L X 23 1/4"W X 17	3.36	2 EA	7
28033230 CARTON, 47 3/8"L X 39 1/2"W X 18"	7.53	2 EA	15
28041880 PALLET, 48 X 40 INCH 2/WAY	7.99	4 EA	32
35040010 PLASTER OF PARIS, DENTAL GRADE	0.82	50 LB	41
50401560 LUMBER, 2"X4"X 8 FEET	2.97	4 EA	12
52001370 SURGE PROTECTOR SP20-2A TAB 585	70.12	2 EA	140
52005690 BOND WIRE, 7 STRANDS	0.42	350 LF	147
52006940 BOND WIRE RETAINER CLIP	2.71	8 EA	22
52007040 WEB WELD BOND WIRE TK.CIRC.CONNEC	2.46	56 EA	138
52007280 BOND WIRE TUBING, FIBERGLAS	0.54	40 LF	22
52009780 BOOTLEG WIRE CLAMP, 5/8 INCH INSU	1.23	56 EA	69
52016830 WIRE DUCT, 2X3	9.25	21 EA	194
52016940 WIRE DUCT, 3X3	10.57	3 EA	32
52017510 WIRE DUCT COVER 2"X6'	2.13	21 EA	45
52017620 WIRE DUCT COVER 3"X6'	3.05	4 EA	12
52019530 ENCLOSURE, SHUNT, POLE MOUNTED. 24X2	245.02	8 EA	1960
52019560 EQUALIZER, H.D. TAB 583	9.22	19 EA	175
52021550 FOUNDATION, 4', STEEL, FOR FLSHR/GAT	203.97	2 EA	408
52025130 HOUSE, INSTRUMENT 4 X 4 X 8' HIGH	2970.93	1 EA	2971
52025240 HOUSE, 6X6, SIGNAL XING	4061.40	1 EA	4061
52027350 CLIP BOARD - FOR SIGNAL PRINTS	6.54	2 EA	13
52027430 STEP BOX	12.86	1 EA	13
52027660 INTERFACE, DATA TRANSCEIVER #DTI-3	1248.05	1 EA	1248
52028420 LIGHTNING ARRESTOR, CLR-COMM TAB 3	7.02	26 EA	183
52029780 LIGHTNING ARR, HD TAB 582 W/O BASE	9.91	12 EA	119
52030010 LIGHTNING ARRESTOR CONN. STRIP	4.15	4 EA	17
52039210 RECTIFIER, 20EC, 12V. TAB 575	382.06	2 EA	764
52039390 RECTIFIER, 40EC, 12V. TAB 577	561.65	1 EA	562
52040400 RESISTOR, ADJ. 0.63 OHM TAB 91	24.86	4 EA	99
52040460 RESISTER, ADJ. 5 OHM, TAB 90	12.77	2 EA	26
52042650 POST, MOUNTING, FOR SHUNT HOUSING	8.91	16 EA	143
52045700 SURGE SUPPRESSOR, PRIMARY, #2377-4	10.02	1 EA	10
52070010 TERMINAL, #12-10 WIRE, RING TONGUE	0.09	450 EA	41
52071600 TERMINAL, #20-16 WIRE, RING TONGUE	0.07	300 EA	21
52072280 TERMINAL BLOCK, SIGNAL 2 POST BAK	2.25	60 EA	135
52072510 TERMINAL BLOCK, SIGNAL 3 POST TEST	6.29	2 EA	13

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WORK ORDER AUTHORIZATION-DETAIL OF ESTIMATED EXPENDITURES

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DEPARTMENT: ENGINEERING SERVICES

52072740	TERMINAL BLOCK, SIGNAL 12 POST 6	8.60	6 EA	52
52074550	TEST LINK, INSULATED ASSEMBLY TAB	0.67	24 EA	16
52079550	WIRE TAG, PLASTIC - WHITE	0.08	200 EA	16
52079560	MARKING PEN(FOR WHITE TAG)	1.94	2 EA	4
52108120	LED FL/GATE ASSY.2 WAY LIGHTS	7215.97	2 EA	14432
52109370	GATE ARM, ADJ.16-32'	235.64	2 EA	471
52122140	HIGH WIND BRACKET 5"OR 4"	63.99	2 EA	128
52136470	SHEAR PIN, SK-1000-1	5.50	2 EA	11
52203400	DETECTOR, LIGHT OUT, LOD-1	499.00	1 EA	499
52204200	DUMMY LOAD, 1400 FT. TAB 644	40.00	1 EA	40
52205800	GCP111 NO ISLAND #81KB-80110-0800	15155.01	2 EA	30310
52240000	IPI MODULE-GCP3000D2 #80211	1078.02	6 EA	6468
52246000	RESISTOR,47,000 (47K) OHM .5 WATT	0.22	4 EA	1
52258980	NBS, TAB 640, 62775-8621	491.01	4 EA	1964
52262670	DUAL WIDEBAND SHUNT.8A077A-TAB711	260.00	8 EA	2080
52263600	SURGE ARRESTOR,METER LOOP.	23.88	2 EA	48
52263690	SURGE PANEL - TAB 619	135.99	1 EA	136
52264040	SURGE PANEL - TAB 618	203.26	2 EA	407
52267000	TRANSCEIVER MODULE-#80012-GCP	1560.00	2 EA	3120
52276050	CROSSING ANALYZER, HCA-1	1691.94	1 EA	1692
52276550	CROSSING MODEM, EXM-1	362.67	1 EA	363
52278800	DAX MODULE #80016-GCP 3000D2	1085.00	4 EA	4340
52726820	RELAY, FLASHER TAB 887	318.79	1 EA	319
52728800	RELAY, B1LC. TAB 911 A62-310	273.25	1 EA	273
52745830	RELAY,NEUTRAL, B1 TAB 884 & 884A	236.15	2 EA	472
52752390	RELAY,B1SR. 3 SEC. TAB 893	425.99	1 EA	426
52773760	RELAY BRACKET, HOLDS 14 B1 RELAYS	300.00	1 EA	300
52776370	RELAY PLUGBOARD,GRS B1,TAB 900	33.20	5 EA	166
52777970	FLAG TERMINAL, FOR GRS, 14-10	0.94	100 EA	94
52778110	FLAG TERMINAL, FOR GRS, 20-16	1.08	100 EA	108
52779280	RELAY TEST TERM,GRS B1 TAB770&864	6.90	5 EA	35
52959000	POWER TAP MATERIAL	2500.00	1 LT	2500
53311490	EXTRACTOR FOR "B"TERMINALS P3-308	9.89	1 EA	10
53311510	TEST NUT WRENCH. GRS #P3-320	15.31	1 EA	15
53623340	BATTERY CHOKE-TAB 706	167.99	6 EA	1008
53648010	INSULATING CAP & SHIELD ASSY.	2.07	20 EA	41
53918230	BOND WIRE CLIP, SBA-248	1.42	48 EA	68

TOTAL

95,785